## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

DOUGLAS MASTERS, Individually and	)	
on Behalf of All Other Similarly Situated,	)	
	)	
Plaintiff,	)	
v.	)	CIVIL ACTION NO.
	)	1:12-cv-000451-SS
TIME WARNER CABLE INC.,	)	
	)	
Defendant.	)	
	)	
	)	

## DEFENDANT TIME WARNER CABLE INC.'S NOTICE OF WITHDRAWAL OF ITS MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION TO STAY AND COMPEL ARBITRATION AND MOTION TO DISMISS COUNT II OF PLAINTIFF'S CLASS ACTION COMPLAINT

Given that Plaintiff filed an Amended Class Action Complaint on August 20, 2012 (DE 21), Defendant Time Warner Cable Inc. ("TWC") hereby withdraws its previously-filed Motion to Dismiss, or In the Alternative, Motion to Stay and Compel Arbitration (DE 11) and its Motion to Dismiss Count II of Plaintiff's Class Action Complaint (DE 12), which addressed the allegations in Plaintiff's original Complaint (DE 1). In withdrawing these motions, TWC reserves the right to file renewed motions addressing the allegations in Plaintiff's Amended Complaint.

Respectfully submitted this 23rd day of August, 2012.

/s/ John Mittelbach

John P. Mittelbach

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Attorneys for Defendant Time Warner Cable, Inc.

## **CERTIFICATE OF SERVICE**

This certifies that I have this day served a true and correct copy of the within and foregoing <a href="DEFENDANT TIME WARNER CABLE INC.'S NOTICE OF WITHDRAWAL">DEFENDANT TIME WARNER CABLE INC.'S NOTICE OF WITHDRAWAL</a>
OF ITS MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION TO STAY AND COMPEL ARBITRATION AND MOTION TO DISMISS COUNT II OF PLAINTIFF'S

CLASS ACTION COMPLAINT using the CM/ECF System which will automatically send email notification of such filing to the following attorneys of record:

This 23rd day of August, 2012.	

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